

**REMARKS**

Consideration of the above identified application in view of the preceding amendments and following remarks is respectfully requested. Claims 1, 2, 5-8, 10-21 are pending in this application. By this amendment, Claims 3, 4, 9 and 22 to 30 have been cancelled and Claims 31-39 have been added.

The amended and new claims further define the invention. No new matter has been added and support for these amendment can be found throughout the application as filed. Applicant hereby reserves the right to pursue the claims as originally filed, or similar claims, in one or more patent applications.

The Examiner's attention is drawn to the following comments on prior art documents US 6,494,289 (Harman), WO 03/005764 (Newlands Technology Limited), WO 02/076141 (Newlands Technology Limited) and WO 01/72084 (Newlands Technology Limited) vis-à-vis the invention defined in the amended and new claims.

US 6,494,289 (Harman) relates to a device for excitation of panel loudspeakers. The device of US 6,494,289 comprises a moving coil actuator, which is operative in response to an electrical excitation signal. In one embodiment, movement of the actuator is coupled to the panel by means of three spaced apart plastics clips (column 3, lines 36 to 49). In another embodiment, movement of the actuator is coupled to the panel in part by means of an elastic foam member (column 4, lines 4 to 23).

In contrast, the present invention as defined in claim 31 comprises an actuator and a coupler formed of a resilient material that is configured to couple movement of the

actuator to an acoustic radiator to cause the acoustic radiator to operate in a distributed mode fashion, i.e. in a panel-form manner. Claim 31 recites the key limitation that the coupler has a Shore A hardness of no more than 20. The applicant has discovered after much experimentation that a coupler having a Shore A hardness of no more than 20 provides for effective and efficient conversion of the pistonic (i.e. to and fro) movement of the actuator into distributed mode movement of the acoustic radiator. Neither the plastics clips nor the elastic foam member of US 6,494,289 meet the key limitation of the present invention of the coupler having a Shore A hardness of no more than 20. Furthermore, US 6,494,289 provides no suggestion or hint that movement of the actuator could be coupled to the acoustic radiator by a coupler having a Shore A hardness of no more than 20. Thus, it is submitted that the present invention as defined in claim 31 is novel and non-obvious over the content of US 6,494,289.

WO 03/005764 (Newlands Technology Limited) relates to a portable device for coupling acoustic energy into a surface. The portable device comprises a magneto-restrictive transducer (page 5, lines 1 to 5), which is attached to a surface, such as of wood, plastics or glass (page 6, lines 24 to 26) and which causes the surface to operate in a distributed mode fashion. The movement of the magneto-restrictive transducer is coupled to the surface by way of an elastomeric material, such as polyurethane or silicone rubber (page 2, lines 27 to 29). However, the elastomeric material is of a Shore A hardness of significantly more than 20. Thus, WO 03/005764 fails to disclose the subject matter of claim 31 of the present application. Furthermore, WO 03/005764 provides no suggestion of using a coupler having a Shore A hardness of no more than 20. Indeed, the focus of WO 03/005764 is the provision of an effective suction device so that the portable device of

WO 03/005764 can be adhered to a vertically extending surface, such as a window; the elastomeric material is used to address this object. Thus, WO 03/005764 fails to address or even consider the efficiency and effectiveness of coupling movement of a pistonic actuator to distributed mode movement of an acoustic radiator. Therefore, it is submitted that the present invention as defined in claim 31 is novel and non-obvious over the content of WO 03/005764.

Even if the skilled person were to consider combining the content of WO 03/005764 and US 6,494,289 he would fail to arrive at the subject matter of claim 31 of the present application. This is because neither document discloses the feature of a coupler having a Shore A hardness of no more than 20.

WO 02/076141 (Newlands) relates to a mageto-restrictive actuator of a kind suitable for use in the portable device of WO 03/005764, which is discussed above. Acoustic energy produced by the actuator of WO 02/076141 is described as being coupled to a panel that operates in distributed mode fashion by one of the following means: suction attachment; adhesive; and rigid connection, such as twist-locking or spring docking (see page 4, lines 20 to 26; page 6, lines 1 to 5). WO 02/076141 provides no disclosure of coupling by means of a resilient coupler having a Shore A hardness of no more than 20. Thus, WO 02/076141 is not prejudicial to the novelty or obviousness of claim 31 when WO 02/076141 is taken alone or in combination with any of the documents discussed herein.

WO 01/72084 (Newlands) relates to a dual mode audio device of the same kind as described in WO 02/076141 and WO 03/005764. WO 01/72084 describes coupling acoustic energy to a panel that operates in distributed mode fashion by one of the

following means: a sucker arrangement; adhesive strip; and high-tack material, such as Blu-Tack ® (see page 4, lines 8 to 15). WO 01/72084 provides no disclosure of coupling by means of a resilient coupler having a Shore A hardness of no more than 20. Thus, WO 01/72084 is not prejudicial to the novelty or obviousness of claim 31 when WO 01/72084 is taken alone or in combination with any of the documents discussed herein.

Any additional fees or overpayments due as a result of filing the present paper may be applied to Deposit Account No. 04-1105. It is respectfully submitted that all of the claims now remaining in this application are in condition for allowance, and such action is earnestly solicited.

If after reviewing this amendment, the Examiner believes that a telephone interview would facilitate the resolution of any remaining matters the undersigned attorney may be contacted at the number set forth herein below.

Respectfully submitted,

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